August 1, 1975

REPORT OF THE

GOVERNOR'S COMMISSION TO STUDY CHILD LABOR LAWS

Kenneth Golberg Chairman

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August 1, 1975

The Honorable Marvin Mandel Governor of Maryland State House Annapolis, Maryland 21404

Dear Governor Mandel:

The present Child Labor Law was last repealed and reenacted in 1912. During the intervening years until the present, sections have been repealed, amended and altered resulting in a patchwork of illogically unrelated sections which are unduly restrictive and inflexible. Paradoxically, the law causes unnecessary hardships for those it seeks to protect.

Your Commission To Study The Child Labor Law met nine times including four hearings which were held in various sections of the State. These hearings were well attended and public interest was extensive as evidenced by the various segments of the citizenry represented. The vast majority of those who testified felt that the current law was restrictive, inflexible and confusing. Your Commission has attempted to broaden opportunities for employment of minors, simplify the language so that it can be understood by the average citizen and give the administering agency a reasonable degree of discretionary power.

Enclosed is a detailed report of the activities of your Commission and the proposed legislation. We strongly recommend that this proposed legislation be included in your administration package to be introduced during the 1976 session of the General Assembly.

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The Commission wishes to acknowledge with sincere appreciation the administrative support furnished by Commissioner Harvey A. Epstein of the Division of Labor and Industry and the invaluable assistance rendered by Ms. Nancy A. Burkheimer, Coordinator of Boards and Commissions, and Mrs. Nancy Spector, Assistant to Ms. Burkheimer.

Members of the Commission have requested that I convey to you their thanks for giving them the opportunity to serve in this important study. We welcome any opportunity to assist in the passage of this legislation.

With kindest personal regards, I am

Sincerely,

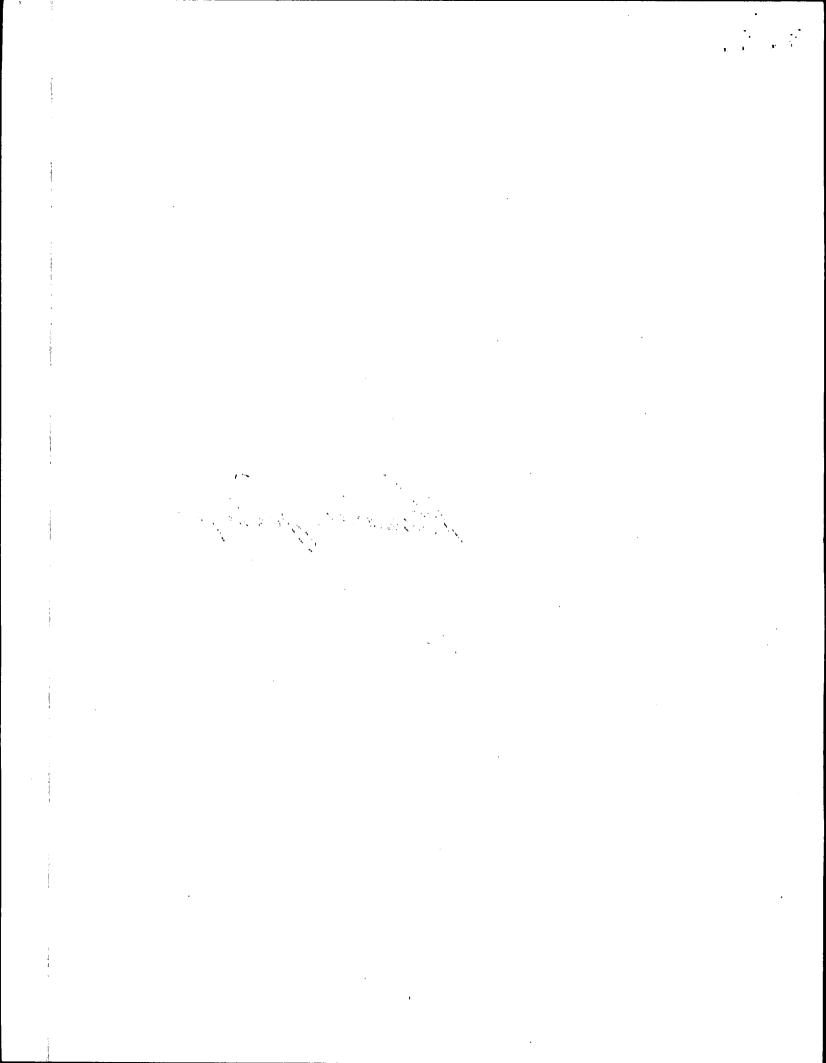
Kenneth Golberg

Chairman

Governor's Commission To Study

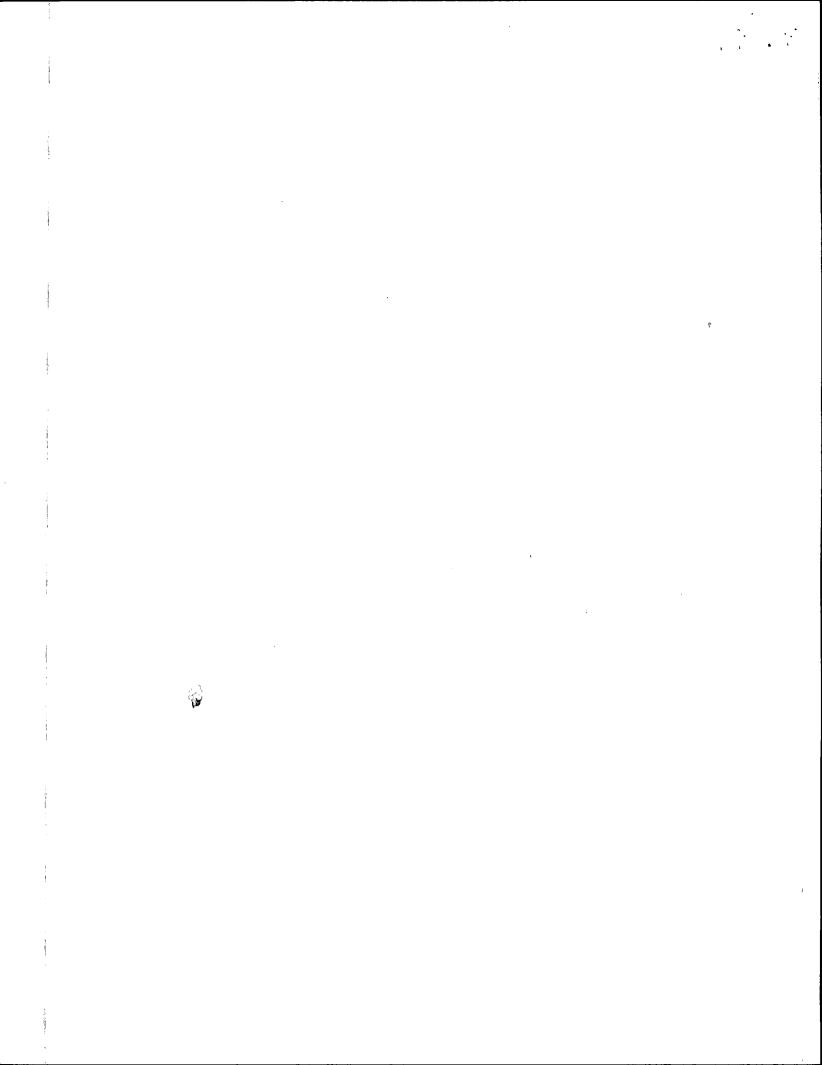
The Child Labor Laws

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# TABLE OF CONTENTS

|                                    |           |            |           | Page |
|------------------------------------|-----------|------------|-----------|------|
| List of Commission Members         | ••• • •   | • • • • •  |           | 1    |
| Recommendations for Changes to Pro | esent Chi | ld Labor L | .aw       | 2    |
| Draft Proposal for Child Labor Leg | gislation | • • • •    | • • • •   | 3    |
| Background Information From Public | c Meeting | s and Hear | ings      | 11   |
| Conclusion                         | • • • • • | • • • •    | • • • • • | 28   |



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#### RECOMMENDATIONS FOR CHANGES TO

## PRESENT CHILD LABOR LAW

- 1. Provide guidances for the Commissioner of Labor and Industry in interpreting and administering the law.
- Enumerate those areas of employment exempt from the law.
   (There has been continuing controversy in the past regarding many of the exempted occupations.)
- 3. A degree of discretionary powers for the Commissioner of Labor and Industry.
- 4. Remove the age limit of six years for models and performers and describe the permit to be issued.
- 5. Change the State law to basically conform with the Fair Labor Standards Act.
- 6. Provide the Commissioner of Labor and Industry with the same administrative powers as the United States Secretary of Labor.
  - Extension of hours of work for minors.
- 8. Present the Work Permit Procedure in a clear and concise manner.
- 9. Delineate the powers of the Commissioner of Labor and Industry in the enforcement of the law.
- 10. Prescribe penalties for interfering with investigation or knowingly violating the law and for the prosecution of violators.
  - 11. Authorize rules and regulations.

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DRAFT PROPOSAL FOR

CHILD LABOR LEGISLATION

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AN ACT concerning

Revision of Child Labor Laws

FOR the purpose of encouraging the employment of minors and allowing them to engage in occupations with certain restrictions and limitations and allowing for the issuance of work permits, penalties, and other provisions to effectuate these purposes, and generally relating to Child Labor Laws

## BY repealing

Article 100 - Work, Labor, and Employment Sections 4 through 51, inclusive Annotated Code of Maryland (1964 Replacement Volume and 1975 Supplement)

### BY adding to

Article 100 - Work, Labor and Employment Sections 4 through 16, inclusive Annotated Code of Maryland (1964 Replacement Volume and 1975 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Sections 4 through 51, inclusive, of Article 100 - Work, Labor, and
Employment, of the Annotated Code of Maryland (1964 Replacement Volume
and 1975 Supplement) be and it is hereby repealed and re-enacted to read
as follows:

Article 100 - Work, Labor, and Employment

## 4. Employment of Minors.

It is the policy of the State of Maryland to encourage the growth and development of young people, allowing them to engage in occupations which will prepare them for responsible citizenship, yet protect them from occupations which will be injurious to their physical, mental, and moral well being.

5.

A minor under the age of 14 may not be employed, permitted or suffered to work in, about, or in connection with any gainful employment. If

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performed outside of the prescribed school day, other than mining, manufacturing, and certain hazardous occupations as defined by the Secretary of Labor of the United States Department of Labor, gainful employment does not include

- 1. Farm work performed on a farm owned or operated by the family of the minor;
- 2. Domestic work performed in or about a home;
- 3. Work performed in a business owned or operated by a parent or one standing in the place of a parent;
- 4. Work performed by non-paid volunteers employed with the written and signed consent of a parent or one standing in the place of a parent for a charitable or non-profit organization;
- 5. Caddying on a golf course;
- 6. The delivery or sale of newspapers by newspaper persons on regularly scheduled routes; or
- 7. Employment of a graduate from an accredited school who is employed in a hazardous occupation as defined by the Secretary of the United States Department of Labor in which a course of study has been completed.

- A. A minor under 16 years of age may not be employed, permitted or suffered to work in, about, or in connection with
  - (1) Any gainful employment during the prescribed school day;
  - (2) Any manufacturing, mechanical or processing occupations or in workrooms or work places where goods are manufactured or processed;

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- (3) The operation, cleaning or adjusting of any power-driven machinery, other than office machinery, not used in the schools or governmental institutions as part of the vocational training of the students;
- (4) Any scaffolding, construction, brick or lumber yard, airports, railroads or boats, when engaged in navigation or commerce, acids, paints, dyes, gases, lye, and occupations causing dust or gases in injurious quantities, except in purely office work; or
- (5) Any other occupation which, after investigation by the Commissioner of Labor and Industry for the State is deemed injurious to the health, welfare, or morals of the minor.
- B. The prohibitions of Section A do not apply to minors issued a work permit in accordance with this subtitle who
  - (1) Have been found incapable of profiting from further education pursuant to Article 77, Section 92;
  - (2) Are enrolled in a work-study, student-learner, or similar program where the employment is an integral part of the course of study and the employment is procured and supervised through the efforts of the superintendents or their designates of schools in the various subdivisions;
  - (3) Are employed in purely office work or duties performed outside of rooms where goods are manufactured or processed; or
  - (4) After investigation, are issued a variance by the Commissioner if it has been determined that the work performed and the area in which it is performed is not hazardous to the minor.

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employed as a model, performer or entertainer.

The permit shall contain signed consent of a parent or person standing in place of the parent of the minor, be signed by the employer, and recite that all state and local laws are being complied with. The signature of a parent or person standing in place of the parent and the employer shall be notarized. The Commissioner shall cause an investigation to be conducted and shall issue the permit when he is satisfied that the employment is not detrimental to the health, welfare and morals of the minor, that the minor is adequately supervised, and that education of the minor is not neglected. The permit shall be on a form as prescribed by the Commissioner after completion of an application containing information as the Commissioner may require.

- A. A minor under 18 years of age may not be employed, permitted, or suffered to work
  - (1) In any hazardous occupation as defined by the Secretary of Labor of the United States Department of Labor under provisions of the Fair Labor Standards Act unless the Commissioner issues exceptions in connection with a work-study, student-learner or apprentice program under a recognized Federal, State, or local governmental agency;
    - (2) In or about or in connection with
      - i. blast furnaces,
      - ii. docks, wharves, other than marinas where pleasure boats are sold or served,
      - iii. pilots, firemen or engineers on any vessel or boat

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engaged in commerce,

- iv. railroads,
  - v. erection and repair of electrical wires,
- vi. any distillery where alcoholic beverages are manufactured, bottled, wrapped, or packed,
- vii. the manufacturing of dangerous or toxic chemicals or compounds;
- viii. cleaning, oiling, wiping of machinery,
  - ix. any occupation forbidden by any local, state or federal law, and
    - x. any occupation which after investigation by the Commissioner is deemed injurious to the health, welfare or morals of the minor.
- B. A minor under 18 years of age may be employed, permitted, or suffered to work in purely office work.

9.

The Commissioner may hold public hearings to determine occupations which may subsequently be forbidden to minors. After public hearings he may issue rules and regulations in accordance with this Subtitle.

#### 10. Work Permit.

- (A) A minor may not be employed, permitted or suffered to work unless the employer has in his possession a verified and validated work permit.
- (B) The Superintendents of Schools or their designate in the various counties and Baltimore City shall issue work permits as prescribed by the Commissioner.
  - (C) The age of the minor shall be verified by a birth certificate,

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a baptismal certificate, a school record, passport, valid Maryland driver's license, or any official government document attesting to the age of the minor.

- A. A minor under 16 years of age may not be employed, permitted or suffered to work more than
  - (1) four hours on any day when school is in session
  - (2) eight hours on any day when school is not in session
  - (3) 23 hours in any week when school is in session for five days
  - (4) 40 hours in any week when school is not in session.
- B. A minor under 16 years of age may not be employed, permitted or suffered to work before 7 A.M. or after 8 P.M. A minor may be employed, permitted or suffered to work until 9 P.M. from Memorial Day to Labor Day.
- C. A minor under 18 years of age may not be employed, permitted or suffered to work more than
  - (1) five hours on any day when school is in session
  - (2) nine hours on any day when school is not in session
  - (3) 30 hours in any week when school is in session for five days
  - (4) 48 hours in any week when school is not in session.
- D. A minor under 18 years of age may not be employed, permitted, or suffered to work before 6 A.M. or after 11 P.M. on any day when school is in session on the next day.
- E. The hours worked by a minor enrolled in a bona-fide workstudy or student-learner program when school is normally in session may

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not be counted towards the permissible hours of work as prescribed in Section 11 A and C.

- F. A minor under 18 years of age not regularly enrolled in school may not be employed, permitted or suffered to work more than nine hours per day or 48 hours per week. A minor who attends school less than two hours per day may not be considered as being regularly enrolled in school for purposes of this subsection.
- G. A minor under 18 years of age may not be employed, permitted or suffered to work more than five hours continuously without a break of at least one-half hour.

  12.
- A. The Commissioner shall vigorously enforce the provisions of the subtitle. The Commissioner may enter and inspect any place of employment and the employment records of any employee.
- B. The Commissioner may require a written complaint in order to initiate an investigation under this subtitle.

### 13. Penalties.

- A. Any person who interferes with or hinders the Commissioner in his duties as prescribed in this subtitle, upon conviction, is guilty of a misdemeanor and fined not less than \$1,000 nor more than \$10,000 or imprisoned for not less than 90 days nor more than one year or both.
- B. Any person who knowingly gives false information to the Commissioner upon conviction is guilty of a misdemeanor and fined not less than \$1,000 nor more than \$10,000 or imprisoned for not less than 90 days nor more than one year or both.
- C. Any person who knowingly employs, permits or suffers to work any minor in violation of any subsection of this subtitle upon convic-

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tion is guilty of a misdemeanor and fined not more than \$10,000 and imprisoned for not more than one year or both.

D. The State's Attorney of the various counties and Baltimore City shall prosecute all violations of this subtitle in any court of competent jurisdiction in the political subdivision in which the alleged violation occurred. Any fines levied and collected shall be deposited in the General Funds of the Treasury of the State of Maryland.

14.

In the event of emergency or disaster, as proclaimed by the Governor of the State or the President of the United States, the Governor may temporarily suspend any or all of the provisions of this subtitle as deemed necessary for the duration of the emergency or disaster.

The Commissioner shall promulgate rules and regulations necessary to carry out the duties under this subtitle.

16. Severability.

If any provision of this subtitle is held to be unconstitutional the remainder of the subtitle shall not be affected.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1976.

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## BACKGROUND INFORMATION

## FROM PUBLIC MEETINGS AND HEARINGS

The Child Labor Law (Article 100, Section 4 through 51 Annotated Code of Maryland) was originally enacted in 1894 and was last repealed and reenacted in 1912. During the intervening years, as social changes demanded, various sections have been repealed, amended, and altered; resulting in a patchwork of logically unrelated sections. In view of the mushrooming work-study programs in the schools, and the changing attitudes of educators, manufacturers, and businessmen towards working students, a complete revision of the Child Labor Law has become highly desirable and very necessary.

The earlier maturity and growth of youngsters has been recognized by the General Assembly of Maryland and the Congress of the United States by passage of legislation lowering the legal age from twenty-one to eighteen in many areas. The Child Labor Law should follow the same pattern and relax the somewhat restrictive and inflexible sections. Kenneth Golberg, Chairman of the Governor's Commission to Study the Child Labor Laws, quoted "It is perhaps paradoxical that the very law which was enacted to protect minors 62 years ago severely restricts their opportunities and works hardships in a totally different world!"

On April 26, 1973 Governor Mandel signed House Joint Resolution 26 which requested that he name a commission to study the present Child Labor Laws. The resolution stated that the Commission shall submit its findings and report its recommendations to the Governor and the Legislative Council and shall also submit its report to the General Assembly.

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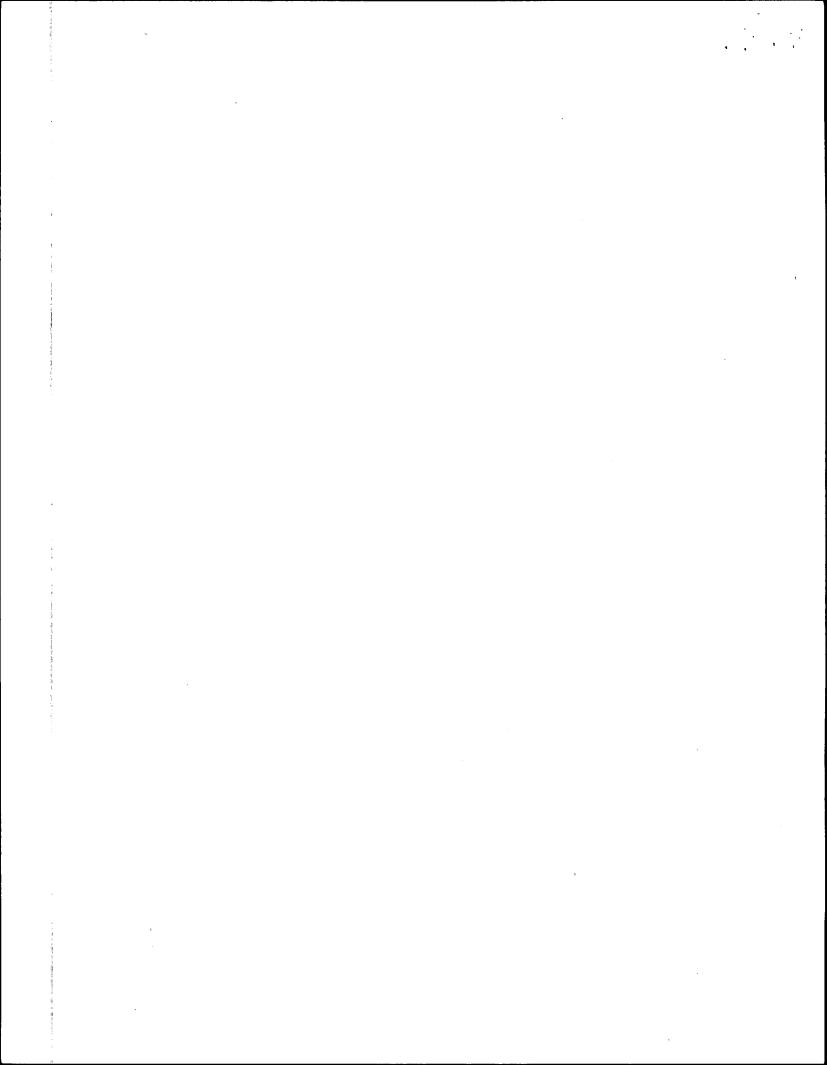
The General Assembly of Maryland requested that the Governor name a commission to serve without compensation and to have representation from the Division of Labor and Industry, from Workmen's Compensation, the State Department of Education, representatives of labor, industry, the general public, and the Senate and House of Delegates of the Maryland General Assembly.

The members appointed to serve on the Commission are as follows:

Kenneth Golberg and Bernard Nachlas, representing the Division of Labor and Industry; Daniel Doherty, representing Workmen's Compensation;

Dominic Fornaro and Laura Moseley, representing labor; Alan Katz and Ruth Sterbak, representing industry; Dr. Harrie Selznick, Lois M. Muntain, Arthur King, William M. Maury, Billy E. Lyon, representing the public; Honorable Henry R. Hergenroeder, Jr., and Honorable Joseph J. Long, representing the House of Delegates; Honorable Harry J. McGuirk and Honorable Edward T. Hall, representing the Senate and Dr. Frederick R. Keyton and William Michel, Jr., representing the State Department of Education.

On February 10, 1975 the first meeting was held for the purpose of investigating the present Child Labor Laws. The Commission members were welcomed and acquainted with much of the child labor material. The Commissioner of Labor and Industry, Harvey A. Epstein, spoke of the law as being inflexible, restrictive, and certainly outdated. He mentioned that the Commission's job was not an easy task and offered full administrative support to assist the Commission with their task. Many points were suggested at the February 10, 1975 meeting and goals for future meetings were set forth. The Commission members felt that the law must be written as simply and clearly as possible in order for the people to



understand the law. It was felt that press releases, to all forms of news media, should be used to gather public interest, and schedules should be published for public information. It was further suggested that all definitions included in the law cover all areas in question (i.e., student learner, apprentice, work-study program). It was felt that the Commissioner of Labor and Industry should have the right to promulgate rules and regulations on all subject matter, and he should be given discretionary power to deal with individual problems. The Commission decided that hearings would be held throughout the State of Maryland in order to obtain opinions, suggestions and problems associated with the present law in all regions of the State.

Representatives from Labor, Management, the Juvenile Authorities, the Restaurant Association, Educators and students would be invited to attend. Mr. Kenneth Golberg was selected as Chairman and Mr. Dominic N. Fornaro was selected as Vice Chairman.

The second meeting was held on March 10, 1975 at the State House in Annapolis. Mr. Kenneth Golberg conducted the meeting and his opening remarks consisted of two points. He felt that the Child Labor Laws, to be effective, should be written for all economies, not just a depressed one. He also felt that the Commission members were talented and creative enough to write their own Child Labor Laws without following those of other states or the Federal government.

The Commission members were then presented with a correspondence from the Ocean City Hotel-Motel and Restaurant Association. The Association was interested in having their young people under 18 permitted to work a 48 hour week (since their's is a seven-day-a-week resort and the children would be working during a vacation period).

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The Commission as a whole was against this proposal. Mr. Dominic N. Fornaro, the Vice Chairman, felt that there was very little parental guidance for these children during summer months. He explained that they were not paid well, and in many cases this was not the proper atmosphere for a 14 year old. Mr. Fornaro quoted, "Forty-eight hours is just too much for a child of this age, especially when a 14 year old is not really geared to work and a working situation. As for 16 year olds, that's the best education." Mr. Fornaro felt that school related programs were an entirely different matter. "As long as the program is specific in what a child can and can't do, it should not be limited under the Law."

Mrs. Sterbak and Mr. Doherty along with other Commission members agreed with Mr. Fornaro in saying that 40 hours is plenty for youngsters under 16 years of age.

Mr. Cocknell, a representative of the Restaurant Association of metropolitan Washington, was present and spoke at this meeting. He explained that many restaurants do not hire 14 year olds because the law is just too hard to understand. They do, however, employ many 16 and 17 year olds after school hours and on weekends. He felt that this was great experience for a child, and for this reason he hoped the Commission would protect the minors, but not over protect them. He felt that if employers lived by the law the children couldn't get hurt.

Mr. Golberg commented on this point by saying, "Laws are written to protect people who can't or who won't protect themselves." Mr. Cocknell replied that 14 and 15 year olds need protection under the law, but that 16 year olds are mature enough to take care of themselves. "You shouldn't penalize 90% for the 10% that are exploited."

It was asked what the effect would be of changing the hour restrictions

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for minors to 10:00 p.m. from 11:00 p.m. Most of the Commission members agreed that this was a bad idea. The members who are in the restaurant business were against this proposal because they would have to add another shift. Restricting the laws more would just increase the unemployment problems.

School-related programs were also a subject of discussion at the March 10, 1975 meeting. Mr. Lyon expressed his view by saying that these programs are an excellent way to give a young person needed experience. They receive the training and the job through school. The school is responsible for the protection of the child. In teacher-coordinated programs, the teacher is responsible for the instruction in the classroom and the instruction on the job. The teacher also investigates the progress of the student.

It was also suggested and approved to hold a series of four public hearings throughout the State in May.

The third meeting of the Governor's Commission to Study Child Labor
Laws was held on April 14, 1975 in Annapolis, Maryland, for the expressed
purpose of hearing from all Federal, State and local governmental agencies
dealing with children. A letter from Multronics, Inc., was brought before
the Commission. The letter expressed displeasure because of a work permit
refusal. The Multronics, Inc., had hoped that an exception could be made.
This letter pointed out the need for the Commissioner of Labor and Industry
to use discretionary power in making exceptions in certain cases. At the
present time the Commissioner has no such power. It was suggested that
the Commission should consider recommending discretionary power for the
Maryland Commissioner of Labor and Industry. The United States Secretary
of Labor has these powers.

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The representatives of the Department of Juvenile Services, the Restaurant Association, U. S. Department of Labor, Department of Health and Mental Hygiene, Juvenile Court of Baltimore City, Governor's Commission on Children and Youth and representatives from the House of Delegates were present at the April 14 meeting.

Mr. Robert Hilson, Director of Juvenile Services, explained that he felt the Child Labor Laws were very complex, but that he was mostly concerned with the portion dealing with hazardous conditions. Mr. Hilson related that he worked with children from 10 years to 17 years of age in an institutional type setting. He pointed out that these children are more successful in vocational skills than in verbal skills. Therefore, they are trained in vocational programs for apprenticeable trades. When these children leave the training programs they are unsuccessful in finding jobs because they cannot secure a work permit to allow them to operate certain machinery. This was felt to be non-productive and frustrating. In Mr. Hilson's opinion this situation produces idleness which in turn helps to cause delinquency. He expressed that children dropping out of the Public School System are facing the same problem. "Children today are much more mature than children of the past and for this reason the laws should be revised."

Mr. Hilson told the Commission that the juvenile authorities were working with the Maryland State and D. C. AFL-CIO on a program to train juveniles in apprenticeable occupations. He also stated that this would be a complete and total waste of time and money if the youths could not get jobs because of the present laws.

Mr. Rudolf Karson, a representative of the Maryland Restaurant Association, stated that most of the problems with the Child Labor Laws

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in the restaurant business were in two sections of the law, machinery and hours. He felt the present laws were complicated. A child is allowed under the law to use a knife, but not slicing equipment. Most accidents, however, are related to knives. Children cannot use grease straining equipment, but they are allowed to carry pounds of hot grease. Mr. Karson wasn't sure if he was violating the law by letting a minor run a vacuum cleaner. He explained that he doesn't hire youths that are under 16 because the laws are so confusing.

Other areas in which he had grievances were in the section about hours of work. "Every time you think about hiring a juvenile you run into problems. The youth under the law must leave at the time you need him most, 11:00 p.m. If you ask him to stay, you are violating the law," said Mr. Rudolf Karson.

Mr. Karson felt that the hour restrictions in the law should be extended. He employs neighborhood children, so traveling time was not a problem. Also he explained that the Y.W.C.A. and the J.C.C. were open past 11:00 p.m. It was also brought up that many schools are on half shifts; therefore, children no longer go to school for six hours a day.

Mrs. Pinkett from the U. S. Department of Labor, addressed the Commission as a resource person. She told the Commission members that the 17 hazardous occupations listed under Federal law were constantly being reviewed and revised. Mrs. Pinkett stated that there is no hour restrictions under Federal law on youths 16 and over as long as they get time and a half after 40 hours a week.

Mrs. Pinkett than spoke about WECEP. This is a work experience program for 14 and 15 year olds which focuses on the problems of teenage youth who are disadvantaged, disillusioned, school alienated, and

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destined to become unemployable school dropouts. Since the early 1960's there has been abundant research indicating that the WECEP students performed better than the control students. Data indicated a lower absentee rate for WECEP students. There were no negative effects on truancy and suspension. Five counties in Maryland have WECEP: Washington, Prince George's, Baltimore, Montgomery, and Baltimore City.

Mr. Fornaro expressed that training of any kind must not be behind the times. "If there are no jobs for men who are trained in prison and can't find jobs when they are released, they just end up back in prison. It is the same with children. For this reason curriculums must be changed and updated. Courses should be put into junior colleges. Teachers should be trained as vocational guidance counselors. Not all students are college material and should be guided into other areas."

Mr. Paul Smith, Sr., a representative for Judge Hammerman from the Baltimore City Juvenile Court, related that children come to them as dropouts with no training. "The only thing they can do is send them back to school. Children want immediate rewards. They don't want to wait around for their 18th birthday. These children are just idle from the time they are finished their training program until their 18th birthday."

The first public hearing of the Governor's Commission to Study Child Labor Laws was held on May 5, 1975 in Easton. The Commission members and guests included representatives from restaurants, hotels, and crab packing houses in Ocean City; a representative from the farm community; a representative from juvenile authorities; educators; and Dr. Louis S. Welty, public health officer for Talbot and Dorchester counties.

James Tawes expressed a desire as well as a need for minors to be

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employed in crab packing houses. He explained that there was no danger in picking crabs, yet children were prohibited from this occupation. Mr. Golberg explained that under the present law, 14 and 15 year olds were not permitted to work in manufacturing, warehousing, mining, construction, packing or processing occupations. "It is not so much what you do, but where you do it that is the controlling factor." Mr. Tawes felt that the laws are not clear; therefore, there is general misunderstandings of the present State and Federal Child Labor Laws. They are just too complex for the public to understand. Mr. Tawes felt that it would help matters if the Commissioner of Labor and Industry had the power to hold hearings on issuing variances.

Paul Wall, a representative from Phillip's Crab House, explained that there were many 14 and 15 year olds willing and very able to work. In the off-season these minors are needed. It is very hard to employ these minors because of the many, many restrictions placed on them. At the present time, a 14 and 15 year old cannot work past 9:00 p.m. on a non-school night. These children are needed until 11:00 p.m. It was explained that during the off-season minors come down from Baltimore to work for the week-ends. If they can only work until 9:00 p.m. in Ocean City on Friday night, it is not worth their while. Mr. Paul further suggested that 14-15 year olds be allowed to work 48 hours a week instead of 40. They would be paid time and a half for work over 46 hours.

Delegate Long expressed his concern about liberalizing the law.

He felt there would be a problem getting the law through the legislature if it was liberalized too much.

John B. Lynch, Jr., from the Commander Hotel in Ocean City spoke of a very common problem among restaurant owners. Mr. Lynch has a shortage

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of help in his kitchen especially around the dish table and dish washer. He can't however hire minors under 16. "The 14 and 15 year olds are prohibited from using machinery including dish washers. Today's dish washers are safe. There are no exposed moving parts."

A representative from the juvenile authorities read a passage from the 1970 Maryland Guide to Child Labor Laws stating that the operation of machines and devices used in performance of such work such as, but not limited to, dish washers, toasters, dumbwaiters, popcorn poppers, milk shake blenders and coffee grinders, were permissible employment. This is just another area where there is a conflict between State and Federal law.

Dr. Welty, public health officer for Talbot and Dorchester Counties, summed the feelings up by saying that the world today is safe. "Idle time is the dangerous element. A dish washer is certainly much safer than taking drugs and popping pills. How much harm are you doing to children by not allowing them to work?"

The second public hearing was held on May 8, 1975 in Cumberland. The guests included representatives from the Washington County Board of Education, the State of Maryland Employment Services and the State Department of Labor.

Mr. Richard Hawkins, a Washington County Special Education Coordinator in vocational planning, spoke of many problems he encounters in placing his young people in jobs. Mr. Hawkins works with lower ability children who require and do better in low key repetitive-type jobs. He has problems placing these children because of the restrictions placed on them by law. He saw difficulty in two of the seventeen hazardous occupations listed in "A Guide to Child Labor Provisions of the Fair

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Labor Standards Act." These were number (2), which declare occupations of motor vehicle drivers and outside helpers hazardous for minors between 14 and 18, and number (11), which declares occupations involved in operation of certain power driven bakery machines hazardous for minors.

Mr. Hawkins felt these jobs are excellent for minors who have social problems. In all cases they are totally supervised, yet they are not allowed to work at these occupations.

Mr. Golberg answered by explaining that many of these have been changed in the past by the Secretary of Labor. He suggested that a hearing be held in order to make exceptions for student learners. If we had a provision written into our State law that would automatically change our coverage as the Secretary of Labor changed the Federal law, it would make it easier for the State. This way we would not have a year long delay for the General Assembly to act.

Mr. Hawkins further stated that a child must be in school 2 1/2 or 3 hours a day in order for the school to get State funding. This is a mandate of the State Board of Education, not a Child Labor Law.

Mr. Hawkins also expressed that he had many difficulties with the issuing of work permits because the permit must be signed by the school, the child and the parents. He suggested that an I.D. card be used by the student. Mr. Golberg answered by saying that an I.D. card was used a few years ago and that it was a complete failure. He explained that a work permit was for a certain job. A child could use an I.D. for any and all jobs, including the hazardous occupations. Mr. Golberg said both parents do not have to sign the permit and that parental signature is only needed for minors of 14 and 15 years of age. [Article 100, Section 23 (d)]. Mr. Wood, U. S. Department of Labor, felt that a signa-

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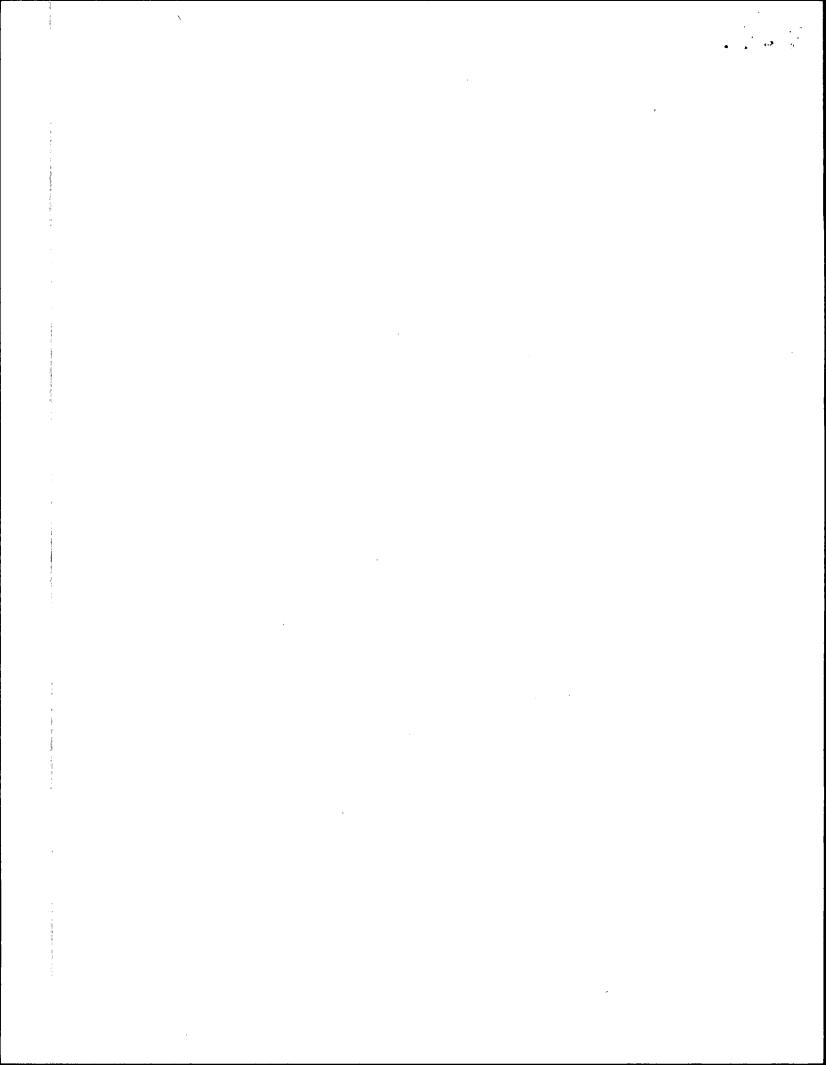
ture should be obtained anyway to eliminate later problems.

Mr. Lyons suggested there were more problems in the law now that educational programs are involved in industry and labor. He also spoke regarding the psychological effects created by career exploration and career training. "Parents now see children can be the bread winners." This sometimes becomes more important than education.

The third hearing was held on May 12, 1975 in Silver Spring. The guests, for the most part, were coordinators and counselors from high schools and junior high schools in Montgomery, Washington, and Anne Arundel Counties.

Mr. Leroy Hansley, a coordinator from the Montgomery County Public School System, complained about the three hour a day work limitation on 14 and 15 year olds. Even if a child is in a work-study program, the time he works is considered job related not school related. Mr. Golberg explained that under Maryland law minors participating in any experimental school supervised and school administered work-experience program that is approved by the U. S. Secretary of Labor is exempt under State law from the hour limitation. It is Federal regulation that dictates the three hour limitation, not State law. Mr. Hansley felt that at least two more hours should be added for these young persons.

Mr. Hansley then spoke of the 17 hazardous occupations. He brought with him a young man who had secured a job on his own. Paul Stabler, a ninth grader, worked for two days then was not allowed to continue because his job was near a hazardous occupation. He performed in a sheltered area, but it was classified as a manufacturing operation. Mr. Hansley was frustrated with this. "I cannot even allow a young person of 14 to cut grass or ride in a truck that delivers newspapers." Mr. Hansley felt



that two sets of laws, one for minors and one for minors working in related school programs, would be beneficial.

Millard S. Bennett from Western Junior High School in Montgomery County, spoke of the three hour limitation under Federal law. Mr. Bennett explained that last year children of 14 years were allowed to work four hours a day under the WECEP experimental program. This made it much easier to place minors in fast food establishments. Mr. Bennett would like to see the four hour law put back into the Federal regulations.

Mr. Bennett then explained that his students are not in any economic stress. Jobs serve to teach responsibility. The areas a 14 year old can work are for the most part uninteresting. "It would be of great help if the laws were relaxed in order to place these minors in more interesting jobs, even if they were on a volunteer basis." Internship programs would be very beneficial to these young people.

Mr. Bennett was asked if the laws should be lowered to include 13 year olds. Mr. Bennett responded by saying, "Different students have different needs. Some children work and see the importance of money while others work and see the importance of an education." Mr. Bennett felt that young persons who were 13 at the beginning of a school year and will become 14 by the end of the calendar year should be included under the law.

Mr. Weinstein, a distributive education coordinator, explained that the laws should be made more liberal. "These are not the days of sweat shops. Children are more mature and able." He felt that a 17 year old was certainly as capable as an 18 year old. Since the age of majority in Maryland had been dropped to 18, the State should consider dropping all work restrictions for 17 and even possibly 16 year olds.

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Mr. Robacker disagreed with number (8) and number (5) of the Federal Hazardous Occupations. Mr. Robacker explained that minors of 14-18 cannot work in occupations involved in the operation of power-driven woodworking machines. However, there are many exemptions under number (8) which has to do with the operation of power-driven metal forming, punching, and shearing machines. Mr. Robacker felt metal machinery was more dangerous than wood machinery; yet, there are no exemptions under woodworking machines.

Mr. William Michels, Jr., said that there were exemptions for apprentices and student learners in vocational training programs. Mr. Robacker was not sure that his program was vocational.

Mr. Fuegua, a work study teacher, felt that special variance should be given to work study programs. He felt that very few jobs were hazardous because of the present day safety standards. "When young people finish vocational programs but are not 18, industry will not accept them."

Many of the coordinators at this meeting felt that it would be advantageous to give the supervisor, counselor or coordinator the power to make exceptions or at least be able to recommend exceptions to the Maryland Commissioner of Labor and Industry. Most coordinators are in the profession because they love young people. If the laws were relaxed, coordinators would work harder because of a strong moral commitment.

Mr. Billy Lyons agreed that there are great individual differences between young people. He believes the age limitation should be reduced and that the coordinator should be given the power to make exceptions or recommend exceptions.

The fourth and last public hearing was held on May 19, 1975 in Baltimore. The guests represented teachers, coordinators and other edu-

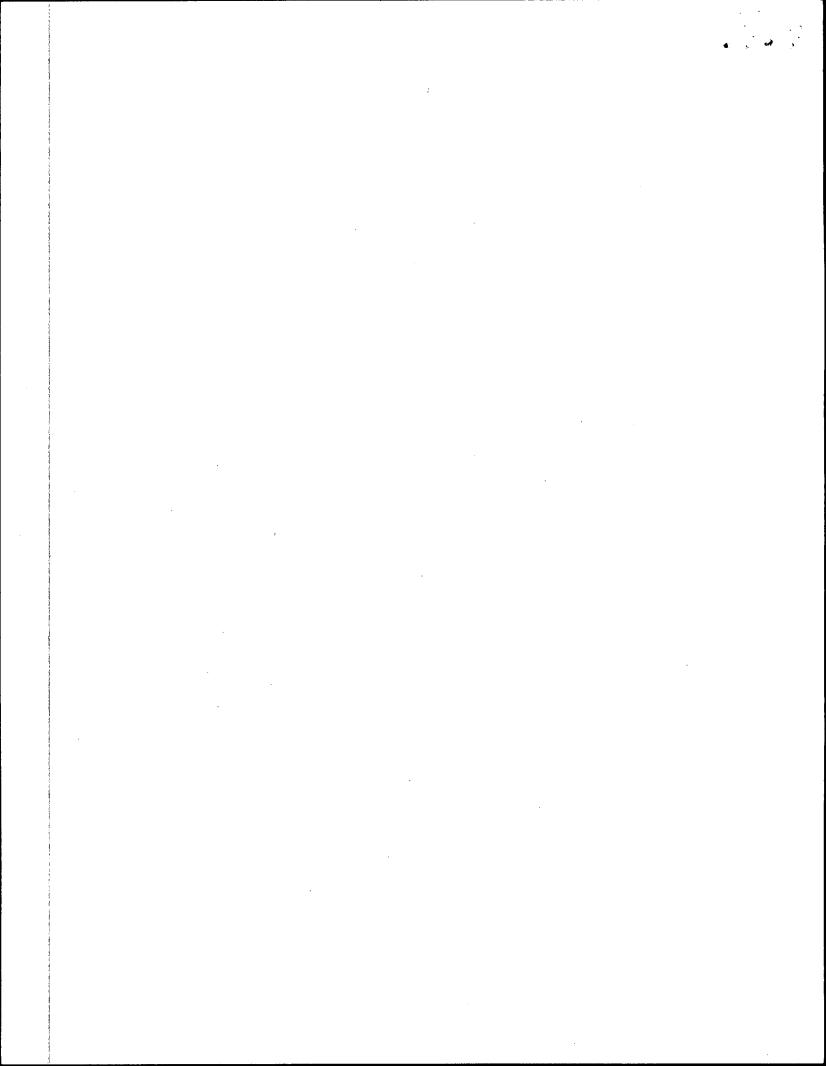
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cation personnel of Baltimore County, Baltimore City, Cecil County,
Anne Arundel and Howard Counties, State Department of Education, Carol
County, Maryland & D. C. press association, Prince George's County and
representatives of the Legislature.

Mr. Brooke Blough was the first of several supervisory and administrative personnel from Baltimore County to speak. Mr. Blough explained that they were not asking for whole scale changes in the existing laws, but rather, laws that fit work-study youths in today's world of work, and laws with the flexibility that will enable them to place students in meaningful employment situations. Mr. Blough also told of Baltimore County Police statistics that proved the relevance of their programs. In Baltimore County, eighty-three out of one-hundred school dropouts committed crimes last year. The rate for minors in school is six per one-hundred, showing that students are less likely to commit crimes while still in relevant school programs.

Dr. Karl Gettle commented on this point by saying idleness creates crime. He further explained that the Maryland Training School spends \$18,000 a year per student. "By keeping these minors in school and in supervised programs, we are saving the tax payers thousands and thousands of dollars a year. In order to do this we need flexibility and expansion of the law."

Mr. Golberg asked Dr. Gettle where he felt the laws should be changed. Dr. Gettle explained that he had sent a poll around to all the coordinators. On the whole, the coordinators felt that the twenty-three hour restriction should be dropped. They felt that the hours a student works in a supervised program should not be counted as work but as an extention of their education. The coordinators also felt that the 11:00 p.m.



hour restriction for 16-17 year olds should not be dropped to 10:00 p.m. but possibly expanded to 12:00 midnight.

Miss Terry Swann, a 14 year old student presently working in a COP program at U.M.B.C., explained that she is an electronics technician in the TV studio at U.M.B.C. She explained that the age limitations do not directly effect her, but they do effect many of her classmates. She explained that the COP program has helped considerably in gaining confidence and maturity. Terry felt that the laws should be adopted so minors can work and stay in school. "When you have a good job, you have no time to stand around on the street and get into trouble."

Mr. Golberg understood their reasons for wanting the extention of the laws for work study students, but he was concerned about the minors who obtained jobs on their own with no supervision.

Mr. Blough felt the student learner should have special consideration.

Mr. Jim Heckman, a teacher-coordinator in distributive education, asked if there could be special consideration for children who worked in retail stores. "Retail stores are open late over Christmas, so they won't hire students any time of the year. Employers don't understand the law so they don't hire minors at all."

It was asked if lowering the age limitation to 12-13 years of age would be advantageous. Mr. Blough explained that "readiness for work is not necessarily determined by chronological age."

Mrs. Mellor, a mother of a child in a COP program, spoke in its defence. He daughter had had school phobia through 7th grade. She recently entered a COP program and is now receiving A's and B's. She has developed self-confidence and a sense of responsibility. Mrs. Mellor felt that these programs were the answer to many of the problems of

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young adults.

Mrs. Vivian Raskin, a representative for Senator Rosalie S. Abrams, read a written statement for the Senator. The statement expressed the need for apprenticeship programs for youngsters. Senator Abrams felt that this would develop an interest among those who are now chronic school truants and would also go far toward meeting the urgent need for experienced craftsmen.

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## CONCLUSION

At the conclusion of the final public hearing, the Governor's Commission discussed the necessary changes in the present law. After reviewing the record of comments from educators, manufacturers, businessmen, legislators, governmental personnel, young people and the general public, it quickly became apparent that a total revision was in order.

It was highly necessary and desirable that the Child Labor Law be updated and rewritten to relate the educational, social, and labor changes of the times. The major areas for discussion were job and hour restrictions, age limitations, school related programs, the list of hazardous occupations, and the need to provide the Commissioner of Labor and Industry with discretionary powers, power to issue variances, and power to promulgate rules and regulations.

Due to the earlier maturity and growth of young people, the Commission acted in a positive manner on the extension of hour restrictions and relaxed the age limitations in the present law. They also recommended more flexible laws when dealing with the newly developed work-study programs. The Commission reviewed the hazardous occupations and agreed that the job the employee performs is the controlling factor for consideration, not where the job is done. Therefore, purely office work can be done in all occupations.

The Governor's Commission greatly favored the Commissioner of Labor and Industry having a degree of discretionary power, power to hold public hearings and promulgate rules and regulations, plus issue variances.

The above changes and revisions transform an unduly restrictive

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and confusing law into a flexible and highly workable document.

